

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GUSATIVA HOME, LLC

Plaintiff,

- against -

CAONABO LEDESMA et al,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

ORDER ADOPTING
REPORT AND RECOMMENDATION
16-CV-2117 (RRM) (RML)

By Motion filed December 14, 2016, plaintiff Gustavia Home LLC filed a motion for default judgment. (Mot. for Default Judgment (Doc. No. 13).) On February 14, 2017, Magistrate Judge Robert M. Levy issued a Report and Recommendation (the “R&R”) on the Motion. (R&R (Doc. No. 14).)

Judge Levy recommended that Plaintiff’s motion be granted as to defendants Ledesma and the New York City Parking Violations Bureau, and that default judgments be entered against them. Judge Levy made no recommendations as to the remaining John Doe defendants because plaintiff had not clearly indicated how it wished to proceed against them. Judge Levy further recommended that plaintiff be awarded damages totaling \$81,842.53 against defendant Ledesma, consisting of \$68,016.78 in unpaid principal plus \$13,825.75 in accrued unpaid interest. Finally, Judge Levy recommend that, within seven days of the adoption of his Report and Recommendation, plaintiff be required to propose three referees by letter to the court, along with a brief description of their qualifications, and a proposed judgment of foreclosure and sale in accordance with the amount ascertained by the court to be due and owing.

Judge Levy reminded the parties that, pursuant to Rule 72(b), any objections to the R&R must be filed within fourteen (14) days, and directed plaintiff to serve copies of the R&R on

defendants. Service was effected on defendants Ledesma and the New York City Parking Violations Bureau on February 14, 2017. (Affidavit, Doc. No. 15.) No party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, it is hereby ORDERED that default judgment be entered in favor of plaintiff Gustavia Home, LLC as against defendant Caonabo Ledesma and the New York City Parking Violations Bureau. It is further ORDERED that plaintiff Gusatvino Home, LLC is awarded damages totaling \$81,842.53 against defendant Ledesma, consisting of \$68,016.78 in unpaid principal plus \$13,825.75 in accrued unpaid interest. It is further ORDERED that all claims against any and all “John Doe” defendants are hereby dismissed.

It is further ORDERED that, within seven days of the date of this Order, plaintiff shall propose three referees by letter to the court, along with a brief description of their qualifications, and a proposed judgment of foreclosure and sale in accordance with the amount ascertained by the court to be due and owing.

The Clerk of Court is directed to enter judgment pursuant to this Order and close the case. Plaintiff is directed to serve defendants Ledesma and the New York City Parking Violations Bureau with a copy of this Order and the accompanying Judgment within five days of the issuance of the Judgment, and file proof of service immediately upon so doing.

SO ORDERED.

Dated: Brooklyn, New York
April 26, 2017

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge